UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jatone D. Mincey,

     Plaintiff,

         v.   Case No.   1:20cv1039

The State of Ohio, *et al.*,   Judge Michael R. Barrett

     Defendants.

ORDER

    This matter is before the Court on the Report and Recommendation ("R&R") filed by the Magistrate Judge on February 9, 2021 (Doc. 6).

    Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner.   *United States v. Walters,* 638 F.2d 947 (6th Cir. 1981).   No objections to the Magistrate Judge's R&R (Doc. 6) have been filed. Accordingly, it is **ORDERED** that the R&R (Doc. 6) of the Magistrate Judge is hereby **ADOPTED.**   Consistent with the recommendation by the Magistrate Judge:

    1.   Plaintiff's complaint, to the extent plaintiff brings claims against the State of Ohio, is **DISMISSED with prejudice** because the State of Ohio is immune from suit under the Eleventh Amendment to the United States Constitution;

    2.   Plaintiff's complaint, to the extent plaintiff brings claims challenging the criminal charges pending against him, is **DISMISSED without prejudice** pursuant to the *Younger* abstention doctrine;

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3. Plaintiff's complaint, to the extent plaintiff seeks relief based on the alleged actions of non-party defendants, is **DISMISSED with prejudice**;

4. Plaintiff's complaint, to the extent any state-law claims remain against defendants, is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1367(c); and

5. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order adopting the R&R (Doc. 6) would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997), *overruled on other grounds*, *Jones v. Bock*, 549 U.S. 199, 203 (2007).

This matter is **CLOSED** and **TERMINATED** from the active docket of the Court.

IT IS SO ORDERED.

    /s/ *Michael R. Barrett*
Michael R. Barrett, Judge
United States District Court

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